IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 13TH APRI, 2007 / 23RD CHAITHRA, 1929

WP(C).No. 13076 of 2007(F)

PETITIONER:

MANOJKUMAR,
MANAGER,
ARTS COLLEGE,
QUILANDY.

BY ADV. SRI.M.VIJAYAKUMAR

RESPONDENTS:

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1. RECOVERY OFFICER,
   EMPLOYEES' PROVIDENT FUNDS,
   BHAVISHYANIDHI BHAVAN,
   P.B.NO.1806, ERANHIPALAM.P.O.,
   KOZHIKODE.

2. ENFORCEMENT OFFICER,
   EMPLOYEES PROVIDENT FUND ORGANISATION,
   SUB REGIONAL OFFICE,
   ERANHIPALAM, P.B.NO.1806,
   KOZHIKODE.

BY STANDING COUNSEL SRI.THOMAS MATHEW NELLIMOOTTIL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 13076 OF 2007 F

Dated this the 13th day of April, 2007

J U D G M E N T

The petitioner is running a tutorial college. The respondents have initiated proceedings for arrest and detention of the petitioner in civil prison in execution of a certificate for recovery of arrears of dues under the Employees Provident Funds and Miscellaneous Provisions Act. He submits that he could not file any appeal against the order pursuant to which recovery proceedings have been initiated since no order has been served on the petitioner.

2. However, the learned Standing Counsel appearing for the Provident Fund Organisation submits that order has been served on the petitioner which has also been acknowledged by the petitioner. In any event, without challenging the original order, the petitioner cannot sustain a challenge against the recovery proceedings alone. In the wake of the above situation, the petitioner limits his submission for permitting him to pay off the amounts in instalments.

3. Having heard both sides, I direct the respondents to

permit the petitioner to pay the amounts demanded in two instalments on 1.5.2007 and 1.6.2007. If the petitioners pay the amount on the due dates, further proceedings pursuant to Ext.P2 would be kept in abeyance. However, if the petitioner commits default in payment of any of the instalments, it would be open to the respondents to continue the proceedings as initiated by Ext.P2 without having to issue any fresh notice or proceedings in that regard. I also make it clear that it would be open to the petitioner to file an appeal against the original order if he has got a case that he has in fact not received the original order. For this purpose, I direct the respondents to issue a certified copy of the order on the basis of which Ext.P2 has been issued, without prejudice to the contentions of the respondent that the order has already been issued to the petitioner and the petitioner has actually acknowledged it.

The writ petition is disposed of with the above direction.

Sd/-

S. SIRI JAGAN,
JUDGE

Mbs/

-True Copy-

P.A.to Judge

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:13-02-2007